

Notice of Allowability

Application No.

09/709,143

Examiner

Marissa Thein

Applicant(s)

TATE, WILLIAM C.

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to telephone inquiry of February 2, 2006 and November 28, 2005.
2. ☒ The allowed claim(s) is/are 14 and 18-26.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 2-5-06.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other ST B. m. alt

STEVE B. MCALLISTER
PRIMARY EXAMINER

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Thomas Strouse on February 2, 2006.

The application has been amended as follows:

In The Claims

Claims 29-36 have been canceled.

Claim 14 is amended.

In claim 14, line 1, "A method for ordering goods and/or services" was replaced by --A method for ordering goods or services--.

In claim 14, line 4, "site of a customer over a communication network" was replaced by --site of a customer over the communication network--.

In claim 14, line 6, "having a static section for containing static text and/or graphics" was replaced by -- having a static section for containing static text and graphics--.

In claim 14, line 17, "creating an order for goods and/or services" was replaced by -- creating an order for goods or services--.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

Claim 14

Claim 14 recites a method for ordering goods or services over a communication network comprising, *inter alia*: providing a server of a first party for sending e-mail to a receiving site of a customer over the communication network, said server having a low resolution digital image file including at least one digital image, said e-mail having a static section for containing static text and graphics including an order section, and a dynamic area/section for containing dynamic data including the low-resolution digital image file; automatically forwarding said dynamic data by said server to said receiving site only upon opening of said e-mail at said receiving site; and creating an order for goods or services at said receiving site using said order section by selecting the at least one digital image.

The most closely applicable prior art of record is referenced to in the Office Action mailed on August 26, 2005 as U.S. Patent No. 6,549,612 to Gifford (Gifford). Gifford discloses a method and system for sending e-mail messages which includes an active user interface to communicate with the unified communication services (col. 2, lines 29-31). The e-mail has sections, which contain dynamic information that are kept on the UC server computers until the e-mail HTML interface request it, in response to a subscriber opening the e-mail (col. 7, lines 46-54). Gifford also discloses embodiments, which include clients that use Image URL links to reference a CGI program which returns a dynamically constructed image which contains the current information (col. 7,

lines 55-59). The image is retrieved every time the HTML page is opened or refreshed. However, Gifford neither anticipates or fairly and reasonable teaches a method for ordering goods or services over a communication network comprising, *inter alia*: providing a server of a first party for sending e-mail to a receiving site of a customer over the communication network, said server having a low resolution digital image file including at least one digital image, said e-mail having a static section for containing static text and graphics including an order section, and a dynamic area/section for containing dynamic data including the low-resolution digital image file; automatically forwarding said dynamic data by said server to said receiving site only upon opening of said e-mail at said receiving site; and creating an order for goods or services at said receiving site using said order section by selecting the at least one digital image.

Kolls (U.S. Patent No. 6,807,532) neither anticipates or fairly and reasonable teaches a method for ordering goods or services over a communication network comprising, *inter alia*: providing a server of a first party for sending e-mail to a receiving site of a customer over the communication network, said server having a low resolution digital image file including at least one digital image, said e-mail having a static section for containing static text and graphics including an order section, and a dynamic area/section for containing dynamic data including the low-resolution digital image file; automatically forwarding said dynamic data by said server to said receiving site only upon opening of said e-mail at said receiving site; and creating an order for goods or services at said receiving site using said order section by selecting the at least one digital image. Kolls disclosure teaches away from the providing a server of a first party

for sending e-mail to a receiving site of a customer over the communication network, said server having a low resolution digital image file including at least one digital image, said e-mail having a static section for containing static text and graphics including an order section, and a dynamic area/section for containing dynamic data including the low-resolution digital image file; automatically forwarding said dynamic data by said server to said receiving site only upon opening of said e-mail at said receiving site; and creating an order for goods or services at said receiving site using said order section by selecting the at least one digital image. This is because Kolls teaches a system for public access to electronic mail, electronic business, and electronic commerce, which can control, monitor and effectuate e-mail, e-commerce, and e-business transactions (col. 3, lines 50-55). The transaction process is based upon user response data and advertising data (col. 44, lines 13-15).

Jebens (U.S. Patent No. 6,321,231) neither anticipates or fairly and reasonably teaches a method for ordering goods or services over a communication network comprising, *inter alia*: providing a server of a first party for sending e-mail to a receiving site of a customer over the communication network, said server having a low resolution digital image file including at least one digital image, said e-mail having a static section for containing static text and graphics including an order section, and a dynamic area/section for containing dynamic data including the low-resolution digital image file; automatically forwarding said dynamic data by said server to said receiving site only upon opening of said e-mail at said receiving site; and creating an order for goods or services at said receiving site using said order section by selecting the at least one

digital image. Jebens disclosure teaches away from the providing a server of a first party for sending e-mail to a receiving site of a customer over the communication network, said server having a low resolution digital image file including at least one digital image, said e-mail having a static section for containing static text and graphics including an order section, and a dynamic area/section for containing dynamic data including the low-resolution digital image file; automatically forwarding said dynamic data by said server to said receiving site only upon opening of said e-mail at said receiving site; and creating an order for goods or services at said receiving site using said order section by selecting the at least one digital image. This is because Jebens teaches a digital data management system and order delivery system (abstract), which provides an option of placing an order, wherein the host site, downloads a custom e-mail form (col. 21, lines 62-65). The user will then fill in the e-mail form with a short description and instruction for the receiver of the job order at the second destination (col. 21, lines 65-67). The user may then select the "Add Images" option, where upon a screen will be displayed (col. 21, lines 21-col. 22, line 2).

Chui (U.S. Patent No. 6,657,702) neither anticipates or fairly and reasonable teaches a method for ordering goods or services over a communication network comprising, *inter alia*: providing a server of a first party for sending e-mail to a receiving site of a customer over the communication network, said server having a low resolution digital image file including at least one digital image, said e-mail having a static section for containing static text and graphics including an order section, and a dynamic area/section for containing dynamic data including the low-resolution digital image file;

automatically forwarding said dynamic data by said server to said receiving site only upon opening of said e-mail at said receiving site; and creating an order for goods or services at said receiving site using said order section by selecting the at least one digital image. Chui disclosure teaches away from the providing a server of a first party for sending e-mail to a receiving site of a customer over the communication network, said server having a low resolution digital image file including at least one digital image, said e-mail having a static section for containing static text and graphics including an order section, and a dynamic area/section for containing dynamic data including the low-resolution digital image file; automatically forwarding said dynamic data by said server to said receiving site only upon opening of said e-mail at said receiving site; and creating an order for goods or services at said receiving site using said order section by selecting the at least one digital image. This is because Chui teaches a method for facilitating photographic print re-ordering by encoding a photographic print with an identifier identifying a recipient of the photographic print (abstract).

Conclusion

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The article "New Software Offers Total Web Development Solution" discloses a comprehensive website development and management program which provides features and functionality of multiple programs in one package. The program generates both static and dynamic HTML pages from a database.

World Publication No. WO 00/41120 discloses a method for gathering detailed information about products purchased on the Internet by examining electronic mail acknowledgements.

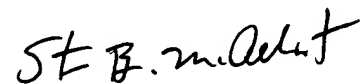
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marissa Thein whose telephone number is 571-272-6764. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alex Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3627

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mtot
February 5, 2006



STEVE B. MCALLISTER
PRIMARY EXAMINER